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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/359,793 07/26/99 YAMADA

Y P7156-9038

EXAMINER

MM42/1110
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ART UNIT

PAPER NUMBER

2837

DATE MAILED:

11/10/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/359,793

Applicant(s)
Yamada et al.

Examiner
Marlon Fletcher

Group Art Unit
2837



☒ Responsive to communication(s) filed on Jul 26, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-6 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-6 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-4 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Ruf (5,850,048).

As recited in claim 1, Ruf discloses an audio signal processing apparatus capable of changing the tempo of an input audio signal, said apparatus comprising: magnification designating means (133,134) capable of designating a plurality of different magnifications; means capable of automatically detecting a BPM or a beat period of the input audio signal as discussed in column 2, lines 43-48, changing the BPM or the beat period in accordance with a magnification designated by the magnification designating means, changing the tempo of the audio signal in accordance with the changed BPM and the changed beat period as discussed in column 3, lines 1-16.

As recited in claim 2, Ruf discloses the audio signal processing apparatus, wherein manual designating means (130) is provided for designating any optional value serving as a BPM and a beat period.

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As recited in claim 3, Ruf discloses the audio signal processing apparatus, wherein fine adjustment means is provided to effect a fine adjustment on a BPM and a beat period, as discussed in column 2, lines 43-48, wherein any direct adjustment can be made, and thereby effecting the same based on the direct adjustment.

As recited in claim 4, Ruf discloses the audio signal processing apparatus, wherein indicators (103) are provided to indicate a BPM and a beat period.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruf in view of Rothbart (4,733,593).

Ruf is discussed above. Ruf does not disclose a mixer for mixing a changed tempo signal with the input audio signal.

However, as recited in claims 5 and 6, Rothbart discloses an audio signal processing apparatus, wherein a mixer is provided and wherein mixing ratio adjusting means adjusts a mixing ratio such that an audio signal generated by changing the tempo of the audio signal may be mixed

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with the input audio signal, thereby producing a newly formed audio signal as discussed in column 3, lines 18-21 and lines 27-32, and as discussed in column 6, line 33 through column 7, line 5.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Rothbart with the apparatus Ruf, because Rothbart enhances Ruf by providing means for mixing signals to thereby produce a new signal.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamada et al. (5,614,687) are cited as pertinent art, because the reference discloses an apparatus for detecting BPM's, wherein the BPM for an input signal is automatically detected.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon Fletcher whose telephone number is (703) 308-0848.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MTF


November 7, 1999


ROBERT E. NAPPI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800